

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

SARAH M.,

Plaintiff,

v.

Civil Action No.
3:20-CV-0271 (DEP)

KILOLO KIJAKAZI,¹ Acting Commissioner
Of the Social Security Administration,

Defendant.

CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by and between counsel for the plaintiff, Sarah M., and counsel for the defendant, the Acting Commissioner of Social Security, that plaintiff is awarded Five Thousand Five Hundred Ninety-Four Dollars and Seventy-Two Cents (\$5,594.72) in attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. The award of attorney's fees will satisfy all of plaintiff's claims for fees, costs, and expenses under 28 U.S.C. § 2412 in this case. Any fees paid belong to plaintiff and not to his attorney and can be offset to satisfy preexisting debt that plaintiff owes the United States. *Astrue v. Ratliff*, 560 U.S. 586 (2010). After the court enters this award, if defendant

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, she should be substituted, therefore, for Andrew Saul, as defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

can verify that plaintiff owes no preexisting debt subject to offset, defendant agrees to make the award payable to plaintiff's attorney pursuant to the EAJA assignment signed by plaintiff and counsel.

The court having reviewed the record in this matter, it is hereby

ORDERED that plaintiff be allowed attorney's fee under the EAJA in the amount of Five Thousand Five Hundred Ninety-Four Dollars and Seventy-Two Cents (\$5,594.72). This fee is payable to the plaintiff, but if plaintiff does not owe a debt subject to offset, it may be payable to plaintiff's attorney if plaintiff has assigned EAJA fees to counsel.

The undersigned hereby consent to the form and entry of the within Order.

CARLA B. FREEDMAN
United States Attorney

Dated: December 23, 2021

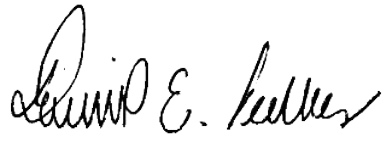
s/ Daniel Tarabelli²
Daniel Tarabelli
Special Assistant US Attorney
Attorney for Defendant

Dated: December 23, 2021

s/ Peter Gorton
Peter Gorton
Attorney for Plaintiff

SO ORDERED:

Dated: January 21, 2022
Syracuse, NY



DAVID E. PEEBLES
United States Magistrate Judge

² Signed by Peter Gorton with permission of Daniel Tarabelli.